

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MARY GRACE FAUCHEAUX
5525 1/2 W. End Blvd.
New Orleans, LA 70124

Registered Nurse License No. 595521,

Respondent.

Case No. 2007-256

OAH No. 2008010413

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 16, 2008.

IT IS SO ORDERED MAY 14, 2008.

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 MARY GRACE FAUCHEAUX
5525 1/2 W. End Blvd.
13 New Orleans, LA 70124
Registered Nurse License No. 595521

14 Respondent.

Case No. 2007-256

OAH No. 2008010413

STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER

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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Arthur D. Taggart, Supervising Deputy Attorney General.

24 2. Mary Grace Fauchaux (Respondent) is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about March 4, 2002, the Board of Registered Nursing issued
27 Registered Nurse License No. 595521 to Mary Grace Fauchaux (Respondent). The license will
28 expire on September 30, 2009, unless renewed.

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1 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
2 and settlement, without notice to or participation by Respondent. By signing the stipulation,
3 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
4 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
5 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
6 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
7 between the parties, and the Board shall not be disqualified from further action by having
8 considered this matter.

9 11. The parties understand and agree that facsimile copies of this Stipulated
10 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
11 force and effect as the originals.

12 12. In consideration of the foregoing admissions and stipulations, the parties
13 agree that the Board may, without further notice or formal proceeding, issue and enter the
14 following Disciplinary Order:

15 **DISCIPLINARY ORDER**

16 IT IS HEREBY ORDERED that Registered Nurse License No. 595521 issued to
17 Respondent Mary Grace Fauchaux is revoked. However, the revocation is stayed and
18 Respondent is placed on probation for three (3) years on the following terms and conditions.

19 **Severability Clause.** Each condition of probation contained herein is a separate
20 and distinct condition. If any condition of this Order, or any application thereof, is declared
21 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
22 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
23 and enforceable to the fullest extent permitted by law.

24 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
25 A full and detailed account of any and all violations of law shall be reported by Respondent to
26 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
27 compliance with this condition, Respondent shall submit completed fingerprint forms and
28 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted

1 as part of the licensure application process.

2 **Criminal Court Orders:** If Respondent is under criminal court orders, including
3 probation or parole, and the order is violated, this shall be deemed a violation of these probation
4 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

5 2. **Comply with the Board's Probation Program.** Respondent shall fully
6 comply with the conditions of the Probation Program established by the Board and cooperate
7 with representatives of the Board in its monitoring and investigation of the Respondent's
8 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
9 within no more than 15 days of any address change and shall at all times maintain an active,
10 current license status with the Board, including during any period of suspension.

11 Upon successful completion of probation, Respondent's license shall be fully
12 restored.

13 3. **Report in Person.** Respondent, during the period of probation, shall
14 appear in person at interviews/meetings as directed by the Board or its designated
15 representatives.

16 4. **Residency, Practice, or Licensure Outside of State.** Periods of
17 residency or practice as a registered nurse outside of California shall not apply toward a reduction
18 of this probation time period. Respondent's probation is tolled, if and when she resides outside
19 of California. Respondent must provide written notice to the Board within 15 days of any change
20 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
21 returning to practice in this state.

22 Respondent shall provide a list of all states and territories where she has ever been
23 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
24 provide information regarding the status of each license and any changes in such license status
25 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
26 new nursing license during the term of probation.

27 5. **Submit Written Reports.** Respondent, during the period of probation,
28 shall submit or cause to be submitted such written reports/declarations and verification of actions

1 under penalty of perjury, as required by the Board. These reports/declarations shall contain
2 statements relative to Respondent's compliance with all the conditions of the Board's Probation
3 Program. Respondent shall immediately execute all release of information forms as may be
4 required by the Board or its representatives.

5 Respondent shall provide a copy of this Decision to the nursing regulatory agency
6 in every state and territory in which she has a registered nurse license.

7 **6. Function as a Registered Nurse.** Respondent, during the period of
8 probation, shall engage in the practice of registered nursing in California for a minimum of 24
9 hours per week for 6 consecutive months or as determined by the Board.

10 For purposes of compliance with the section, "engage in the practice of registered
11 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
12 work in any non-direct patient care position that requires licensure as a registered nurse.

13 The Board may require that advanced practice nurses engage in advanced practice
14 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
15 Board.

16 If Respondent has not complied with this condition during the probationary term,
17 and Respondent has presented sufficient documentation of her good faith efforts to comply with
18 this condition, and if no other conditions have been violated, the Board, in its discretion, may
19 grant an extension of Respondent's probation period up to one year without further hearing in
20 order to comply with this condition. During the one year extension, all original conditions of
21 probation shall apply.

22 **7. Employment Approval and Reporting Requirements.** Respondent
23 shall obtain prior approval from the Board before commencing or continuing any employment,
24 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
25 performance evaluations and other employment related reports as a registered nurse upon request
26 of the Board.

27 Respondent shall provide a copy of this Decision to her employer and immediate
28 supervisors prior to commencement of any nursing or other health care related employment.

1 In addition to the above, Respondent shall notify the Board in writing within
2 seventy-two (72) hours after she obtains any nursing or other health care related employment.
3 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
4 terminated or separated, regardless of cause, from any nursing, or other health care related
5 employment with a full explanation of the circumstances surrounding the termination or
6 separation.

7 8. **Supervision.** Respondent shall obtain prior approval from the Board
8 regarding Respondent's level of supervision and/or collaboration before commencing or
9 continuing any employment as a registered nurse, or education and training that includes patient
10 care.

11 Respondent shall practice only under the direct supervision of a registered nurse
12 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
13 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
14 are approved.

15 Respondent's level of supervision and/or collaboration may include, but is not
16 limited to the following:

17 (a) Maximum - The individual providing supervision and/or collaboration is
18 present in the patient care area or in any other work setting at all times.

19 (b) Moderate - The individual providing supervision and/or collaboration is in
20 the patient care unit or in any other work setting at least half the hours Respondent works.

21 (c) Minimum - The individual providing supervision and/or collaboration has
22 person-to-person communication with Respondent at least twice during each shift worked.

23 (d) Home Health Care - If Respondent is approved to work in the home health
24 care setting, the individual providing supervision and/or collaboration shall have person-to-
25 person communication with Respondent as required by the Board each work day. Respondent
26 shall maintain telephone or other telecommunication contact with the individual providing
27 supervision and/or collaboration as required by the Board during each work day. The individual
28 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-

1 site visits to patients' homes visited by Respondent with or without Respondent present.

2 9. **Employment Limitations.** Respondent shall not work for a nurse's
3 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
4 traveling nurse, or for an in-house nursing pool.

5 Respondent shall not work for a licensed home health agency as a visiting nurse
6 unless the registered nursing supervision and other protections for home visits have been
7 approved by the Board. Respondent shall not work in any other registered nursing occupation
8 where home visits are required.

9 Respondent shall not work in any health care setting as a supervisor of registered
10 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
11 nurses and/or unlicensed assistive personnel on a case-by-case basis.

12 Respondent shall not work as a faculty member in an approved school of nursing
13 or as an instructor in a Board approved continuing education program.

14 Respondent shall work only on a regularly assigned, identified and predetermined
15 worksite(s) and shall not work in a float capacity.

16 If Respondent is working or intends to work in excess of 40 hours per week, the
17 Board may request documentation to determine whether there should be restrictions on the hours
18 of work.

19 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
20 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
21 than six months prior to the end of her probationary term.

22 Respondent shall obtain prior approval from the Board before enrolling in the
23 course(s). Respondent shall submit to the Board the original transcripts or certificates of
24 completion for the above required course(s). The Board shall return the original documents to
25 Respondent after photocopying them for its records.

26 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
27 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
28 amount of Five Hundred Forty-Four Dollars and Fifty Cents (\$544.50). Respondent shall be

1 permitted to pay these costs in a payment plan approved by the Board, with payments to be
2 completed no later than three months prior to the end of the probation term.

3 If Respondent has not complied with this condition during the probationary term,
4 and Respondent has presented sufficient documentation of her good faith efforts to comply with
5 this condition, and if no other conditions have been violated, the Board, in its discretion, may
6 grant an extension of Respondent's probation period up to one year without further hearing in
7 order to comply with this condition. During the one year extension, all original conditions of
8 probation will apply.

9 12. **Violation of Probation.** If Respondent violates the conditions of her
10 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
11 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
12 license.

13 **Other Board or Regulatory Agency Orders:** If Respondent is subject to
14 concurrent disciplinary order(s) from any other health-care related board or any professional
15 licensing or certification regulatory agency, and violates the order(s), this shall be deemed a
16 violation of probation and may result in the filing of an Accusation and/or Petition to Revoke
17 Probation.

18 If during the period of probation, an accusation or petition to revoke probation has
19 been filed against respondent's license or the Attorney General's Office has been requested to
20 prepare an accusation or petition to revoke probation against the respondent's license, the
21 probationary period shall automatically be extended and shall not expire until the accusation or
22 petition has been acted upon by the Board.

23 13. **License Surrender.** During Respondent's term of probation, if she ceases
24 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
25 probation, Respondent may surrender her license to the Board. The Board reserves the right to
26 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
27 take any other action deemed appropriate and reasonable under the circumstances, without

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1 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
2 will no longer be subject to the conditions of probation.

3 Surrender of Respondent's license shall be considered a disciplinary action and
4 shall become a part of Respondent's license history with the Board. A registered nurse whose
5 license has been surrendered may petition the Board for reinstatement no sooner than the
6 following minimum periods from the effective date of the disciplinary decision:

7 (1) Two years for reinstatement of a license that was surrendered for any
8 reason other than a mental or physical illness; or

9 (2) One year for a license surrendered for a mental or physical illness.

10 14. **Physical Examination.** Within 45 days of the effective date of this
11 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
12 physician assistant, who is approved by the Board before the assessment is performed, submit an
13 assessment of the Respondent's physical condition and capability to perform the duties of a
14 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
15 medically determined, a recommended treatment program will be instituted and followed by the
16 Respondent with the physician, nurse practitioner, or physician assistant providing written
17 reports to the Board on forms provided by the Board.

18 If Respondent is determined to be unable to practice safely as a registered nurse,
19 the licensed physician, nurse practitioner, or physician assistant making this determination shall
20 immediately notify the Board and Respondent by telephone, and the Board shall request that the
21 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
22 shall immediately cease practice and shall not resume practice until notified by the Board.
23 During this period of suspension, Respondent shall not engage in any practice for which a license
24 issued by the Board is required until the Board has notified Respondent that a medical
25 determination permits Respondent to resume practice. This period of suspension will not apply
26 to the reduction of this probationary time period.

27 If Respondent fails to have the above assessment submitted to the Board within
28 the 45-day requirement, Respondent shall immediately cease practice and shall not resume

1 practice until notified by the Board. This period of suspension will not apply to the reduction of
2 this probationary time period. The Board may waive or postpone this suspension only if
3 significant, documented evidence of mitigation is provided. Such evidence must establish good
4 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
5 provided. Only one such waiver or extension may be permitted.

6 **15. Participate in Treatment/Rehabilitation Program for Chemical**
7 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
8 period or shall have successfully completed prior to commencement of probation a Board-
9 approved treatment/rehabilitation program of at least six months duration. As required, reports
10 shall be submitted by the program on forms provided by the Board. If Respondent has not
11 completed a Board-approved treatment/rehabilitation program prior to commencement of
12 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
13 a program. If a program is not successfully completed within the first nine months of probation,
14 the Board shall consider Respondent in violation of probation.

15 Based on Board recommendation, each week Respondent shall be required to
16 attend at least one, but no more than five 12-Step recovery meetings or equivalent (e.g.,
17 Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and
18 directed by the Board. If a nurse support group is not available, an additional 12-Step meeting or
19 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
20 such attendance to the Board during the entire period of probation. Respondent shall continue
21 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
22 mental health examiner and/or other ongoing recovery groups.

23 **16. Abstain from Use of Controlled Substances and Psychotropic (Mood-**
24 **Altering) Drugs.** Respondent shall completely abstain from the possession, injection or
25 consumption by any route of all controlled substances and all psychotropic (mood-altering)
26 drugs, including alcohol, except when the same are ordered by a health care professional legally
27 authorized to do so as part of documented medical treatment. Respondent shall have sent to the
28 Board, in writing and within fourteen (14) days, by the prescribing health professional, a report

1 identifying the medication, dosage, the date the medication was prescribed, the Respondent's
2 prognosis, the date the medication will no longer be required, and the effect on the recovery plan,
3 if appropriate.

4 Respondent shall identify for the Board a single physician, nurse practitioner or
5 physician assistant who shall be aware of Respondent's history of substance abuse and will
6 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
7 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
8 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
9 condition. If any substances considered addictive have been prescribed, the report shall identify a
10 program for the time limited use of any such substances.

11 The Board may require the single coordinating physician, nurse practitioner, or
12 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
13 addictive medicine.

14 17. **Submit to Tests and Samples.** Respondent, at her expense, shall
15 participate in a random, biological fluid testing or a drug screening program which the Board
16 approves. The length of time and frequency will be subject to approval by the Board.
17 Respondent is responsible for keeping the Board informed of Respondent's current telephone
18 number at all times. Respondent shall also ensure that messages may be left at the telephone
19 number when she is not available and ensure that reports are submitted directly by the testing
20 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
21 to the Board by the program and Respondent shall be considered in violation of probation.

22 In addition, Respondent, at any time during the period of probation, shall fully
23 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
24 tests and samples as the Board or its representatives may require for the detection of alcohol,
25 narcotics, hypnotics, dangerous drugs, or other controlled substances.

26 If Respondent has a positive drug screen for any substance not legally authorized
27 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
28 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent

1 from practice pending the final decision on the petition to revoke probation or the accusation.
2 This period of suspension will not apply to the reduction of this probationary time period.

3 If Respondent fails to participate in a random, biological fluid testing or drug
4 screening program within the specified time frame, Respondent shall immediately cease practice
5 and shall not resume practice until notified by the Board. After taking into account documented
6 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
7 Board may suspend Respondent from practice pending the final decision on the petition to
8 revoke probation or the accusation. This period of suspension will not apply to the reduction of
9 this probationary time period.

10 18. **Mental Health Examination.** Respondent shall, within 45 days of the
11 effective date of this Decision, have a mental health examination including psychological testing
12 as appropriate to determine her capability to perform the duties of a registered nurse. The
13 examination will be performed by a psychiatrist, psychologist or other licensed mental health
14 practitioner approved by the Board. The examining mental health practitioner will submit a
15 written report of that assessment and recommendations to the Board. All costs are the
16 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
17 result of the mental health examination will be instituted and followed by Respondent.

18 If Respondent is determined to be unable to practice safely as a registered nurse,
19 the licensed mental health care practitioner making this determination shall immediately notify
20 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
21 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
22 practice and may not resume practice until notified by the Board. During this period of
23 suspension, Respondent shall not engage in any practice for which a license issued by the Board
24 is required, until the Board has notified Respondent that a mental health determination permits
25 Respondent to resume practice. This period of suspension will not apply to the reduction of this
26 probationary time period.

27 If Respondent fails to have the above assessment submitted to the Board within
28 the 45-day requirement, Respondent shall immediately cease practice and shall not resume

practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

ACCEPTANCE

I understand that I have the right to retain private counsel at my own expense. I have chosen to represent myself in this proceeding. I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 3/13/08

Mary Grace Fauchaux
MARY GRACE FAUCHEUX
 Respondent

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DATED: March 19, 2008

ALFREDO TERRAZAS
Senior Assistant Attorney General

Attorneys for Complainant

14

Exhibit A
Accusation No. 2007-256

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Supervising Deputy Attorney General
4 California Department of Justice
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Sacramento, CA 94244-2550
6 Telephone: (916) 324-5339
Facsimile: (916) 327-8643

7 Attorneys for Complainant

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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2007-256

13 MARY GRACE FAUCHEAUX,
a.k.a. MARY GRACE FAUCHEAX
14 506 S. Dilton Street
River Ridge, LA 70123-1233

A C C U S A T I O N

15 Registered Nurse License No. 595521

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about March 4, 2002, the Board issued Registered Nurse License
24 Number 595521 to Mary Grace Fauchaux, also known as Mary Grace Fauchaux
25 ("Respondent"). The license was in full force and effect at all times relevant to the charges
26 brought herein and will expire on September 30, 2007, unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license does not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against a licensee or to render a decision imposing discipline on the license. Under Code section 2764 subdivision (b), the Board may renew an expired license at any time within eight months of the expiration.

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

• • • •

6. Code section 2762 states, in pertinent part:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022. . .

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1 **COST RECOVERY**

2 7. Code section 125.3 provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 8. **DRUGS**

7 "Marijuana" is a Schedule I controlled substance as designated by Health and
8 Safety Code section 11054, subdivision (d)(13).

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Disciplinary Action by the Louisiana State Board of Nursing)**

11 9. Respondent is subject to disciplinary action pursuant to Code section
12 2761, subdivision (a)(4), on the grounds of unprofessional conduct. On or about June 14, 2006,
13 pursuant to the Consent Order entered into between Respondent and the Louisiana State Board of
14 Nursing ("Louisiana Board"), in the disciplinary proceeding titled *In the Matter of: Mary Grace*
15 *Faucheaux, etc.*, Respondent's registered nurse license was suspended. The suspension was
16 stayed and Respondent was placed on probation for a period of 24 months on terms and
17 conditions. A true and correct copy of the Consent Order is attached as exhibit "A" and
18 incorporated herein by reference. Pursuant to the Consent Order, Respondent admitted as
19 follows:

20 a. From July 1999 to October 27, 2000, Respondent's license was placed on
21 probation due to a pre-employment drug test which showed positive for Marijuana. Respondent
22 successfully completed her probation.

23 b. On December 16, 2005, after leaving her night shift position at Ochsner
24 Clinic Foundation's Recovery Room, Respondent was stopped for a traffic/speeding violation
25 and was arrested and charged with LA R.S. 40:1033 (possession of drug paraphernalia, to wit, a
26 hemostat), LA R.S. 40:966A05 (Marijuana tetrahy possession), LA R.S. 40:967-C2A1NP
27 (Morphine possession), and LA R.S. 40:967-C2.A1LP (Hydromorphone possession).

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1 c. On March 15, 2006, in Jefferson Parish, the 24th Judicial District Court
2 dismissed the charges relative to Morphine and Hydromorphone, deferred prosecution of the
3 remaining criminal matter, and entered Respondent into the Drug Diversion Program. On the
4 same date, in an informal conference with Louisiana Board staff, Respondent admitted to having
5 smoked Marijuana in her car. Respondent also explained that the other substances (Morphine
6 and Hydromorphone) on her person at the time of her arrest were partially filled vials of
7 medications used on her patients the night before and forgotten in her uniform pocket.

8 d. The conduct and circumstances described in subsections (a) through (c)
9 above constitute violations of L.R.S. 37:921.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Self-Administration of a Controlled Substance)**

12 10. Respondent's registered nurse license is subject to disciplinary action
13 pursuant to Code Section 2761, subdivision (a), on the grounds of unprofessional conduct, as
14 defined in Code section 2762, subdivision (a), in that on or about December 16, 2005, she self-
15 administered the controlled substance Marijuana without lawful authority therefore, as set forth
16 in subparagraph 9(c) above.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein
19 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 595521 issued
21 to Mary Grace Fauchaux, also known as Mary Grace Fauchaux;

22 2. Ordering Mary Grace Fauchaux, also known as Mary Grace Fauchaux, to
23 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of
24 this case, pursuant to Business and Professions Code section 125.3; and

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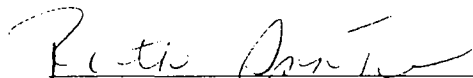
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3. Taking such other and further action as deemed necessary and proper.

DATED: 4-10-07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A
Consent Order

**LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA**

**IN THE MATTER OF:
MARY GRACE FAUCHEAUX
5525 ½ West End Blvd.
New Orleans, LA 70124
Respondent**

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CONSENT ORDER

TERMS AGREED TO BY LICENSEE

I, **MARY GRACE FAUCHEAUX**, voluntarily agree to sign and have witnessed the terms of agreements for the purpose of avoiding a formal administrative hearing with the Louisiana State Board of Nursing.

I, **MARY GRACE FAUCHEAUX**, say that I freely, knowingly and voluntarily entered into this agreement; that I understand that I have a right to a hearing in this matter and I freely waive such right; and that I understand that I have a right to legal counsel prior to entering into this agreement.

I acknowledge that the Louisiana State Board of Nursing makes the following **FINDINGS OF FACT:**

1. That on September 24, 1981, Respondent was licensed by endorsement to practice as a Registered Nurse in Louisiana.
2. That from July 28, 1999, to October 27, 2000, Respondent's license was placed on probation due to a positive pre-employment drug test which showed positive for Marijuana. Respondent successfully completed the probation.
3. That on December 16, 2005, after leaving work (night shift) at Ochsner Clinic Foundation's Recovery Room, Respondent, after being stopped for a traffic/speeding violation, was arrested and charged as follows:
 - LA R.S. 40:1033 Possession of Drug Paraphernalia (Hemostat)
 - LA R.S. 40:966A05, Marijuana Tetrahy Possession
 - LA R.S. 40:967-C2A1NP, Morphine Possession
 - LA R.S. 40:967-C2.A1LP, Hydromorphone Possession
4. That on February 9, 2006, a court-ordered hair specimen was obtained and drug tested for, among other things, Marijuana and Opiates. On February 12, 2006, the results showed negative for all tested drugs.
5. That on March 15, 2006, in Jefferson Parish, the 24th Judicial District Court dismissed the charges relative to Morphine and Hydromorphone Possession; deferred prosecution of the remaining criminal matter, and entered Respondent into the Drug Diversion Program.
6. That on March 15, 2006, in an informal conference with board staff, Respondent admitted to having smoked Marijuana in her car. She explained the other substances (Morphine and Hydromorphone) on her person at time of arrest were partially filled vials of medications used on her patients the night before and forgotten in her uniform pocket.

To facilitate submission of this Consent Order, I do not offer any defense to the **FINDINGS OF FACT**. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:911 et seq. I admit to the findings of fact and agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported as **Drug Abuse, Other**.

LOUISIANA STATE BOARD OF NURSING
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CONSENT ORDER

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right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported as **Drug Abuse, Other**.

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board:

The license of this Registrant is suspended, with a stay of the said suspension, and that the license is probated for a minimum of 24 months with the following stipulations:

1. Within three (3) days upon receipt of this Order, send RN license to the Board office so that the license can be marked "probated".
2. Within sixty (60) days, submit to a comprehensive outpatient psychiatric, psychological and substance abuse evaluation by a psychiatrist, clinical psychologist and addictionist, other than Ochsner evaluators, approved by the Board; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to Registrant's capability of practicing nursing with reasonable skill and safety to patients.
3. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.
4. If found to be chemically dependent, immediately sign agreement with the Recovering Nurse Program and cause to have submitted evidence of compliance with all program requirements for minimum of three (3) years.
5. Shall remain free of alcohol and all un-prescribed mood altering substances. Any mood altering, addictive, or dependency-inducing substance must be currently prescribed for a bona fide medical condition by a physician knowledgeable about the individual's history and the information underlying the Board's concerns. All prescribed drugs must be verified in writing to the Board on a specified form by the prescribing physician(s) within five (5) days of this date, and within five (5) day of any new prescriptions. The Board reserves the right to have a LSBN recognized addictionist review and approve the prescriptions for continued nursing practice.
6. Shall submit to supervised random drug screens a minimum of 12 times per year through an approved LSBN laboratory (bodily fluids {urine, blood, saliva} or hair may be tested). Additional screenings may be requested by Board staff. Written reports of same shall be submitted to the Board.
7. *Prior to returning to work*, inform all nursing employers of these disciplinary measures and of the probationary status of license. Within two weeks, shall cause all employers to submit, in writing to the Board, that they have reviewed this Order.
8. Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Not be employed in agency/pool/staffing, home health services, or nursing homes. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site Registered Nurse.

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

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CONSENT ORDER

TERMS AGREED TO BY LICENSEE

9. During the period of probation, Respondent shall engage in practice of professional nursing in LA for a minimum of twenty four (24) hours per week for a minimum of 12 consecutive months.
10. Have all immediate nursing supervisors submit a performance evaluation report **quarterly**, commencing from the first date of employment, due on first day of January, April, July, and October.
11. Within 3 months, submit payment of \$200.00 to the Board as cost of this Consent Order.
12. By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board, starting on the 1st day of the month that follows the effective date of this Consent Order.
13. Submit certified copies of all criminal arrest reports, charges, court minutes, judgment, and final disposition.
14. Immediately (within 72 hours) inform the Board in writing of any change in address.
15. If employed in nursing, immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
16. If unemployed or employed in a non-nursing position, inform Board in writing on a quarterly basis.
17. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
18. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of reports on or before the date due shall result in the immediate suspension of this registrant's license for a minimum of 6 **months**. This suspension can be imposed by action of the staff subject to the discretionary review of the Board.

I understand that this agreement is effective immediately upon signature of Executive Director. It is also understood that this agreement does not preclude Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Agreement not be accepted by the Board, I agree that presentation to and consideration of the Consent Agreement, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this Registrant.

Dated this 18 day of May, 2006.

Sharon L. Elletts

Witness

Mary Grace Fauchaux
MARY GRACE FAUCHEAUX

[Signature]

Witness

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant 05/19/06
Barbara L. Morvant, MN, RN Date
Executive Director

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
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5525 1/2 W END BLVD
NEW ORLEANS, LA 70124
Respondent

CONSENT ORDER

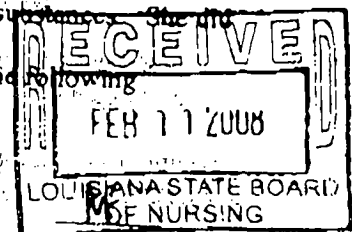
TERMS AGREED TO BY LICENSEE (Cont'd)

I, MARY GRACE FAUCHEAUX, (Respondent), voluntarily agree to sign and have witnessed the terms of agreements for the purpose of avoiding a formal administrative hearing with the Louisiana State Board of Nursing.

I, MARY GRACE FAUCHEAUX, say that I freely, knowingly and voluntarily entered into this agreement; that I understand that I have a right to a hearing in this matter and I freely waive such right; and that I understand that I have a right to legal counsel prior to entering into this agreement.

I acknowledge that the Louisiana State Board of Nursing makes the following FINDINGS OF FACT:

1. On September 24, 1981, Respondent was licensed by endorsement to practice as a Registered Nurse in Louisiana.
2. From July 28, 1999, to October 27, 2000, Respondent's license was placed on probation due to a positive pre-employment drug test which showed positive for Marijuana. Respondent successfully completed the probation.
3. On December 16, 2005, after leaving work (night shift) at Ochsner Clinic Foundation's Recovery Room, Respondent was stopped for a traffic/speeding violation, was arrested and charged as follows:
 - i. LA R.S. 40:1033 Possession of Drug Paraphernalia (Hemostat)
 - ii. LA R.S. 40:966A05, Marijuana Tetrahy Possession
 - iii. LA R.S. 40:967-C2A1NP, Morphine Possession
 - iv. LA R.S. 40:967-C2.A1LP, Hydromorphone Possession
4. On February 9, 2006, a court-ordered hair specimen was obtained and drug tested for, among other things, Marijuana and Opiates. On February 12, 2006, the results showed negative for all tested drugs.
5. On March 15, 2006, in Jefferson Parish, the 24th Judicial District Court dismissed the charges relative to Morphine and Hydromorphone Possession; deferred prosecution of the remaining criminal matter, and entered Respondent into the Drug Diversion Program.
6. On March 15, 2006, in an informal conference with board staff, Respondent admitted to having smoked Marijuana in her car. She explained the other substances (Morphine and Hydromorphone) on her person at time of arrest were partially filled vials of medications used on her patients the night before and forgotten in her uniform pocket.
7. Effective May 19, 2006, by Consent Order, Respondent's license was suspended with stay and probation for minimum of 24 months with stipulations including comprehensive evaluations, remain free from alcohol and non-prescription drugs, and random drug screens.
8. Evaluations were completed with a psychologist and psychiatrist on June 22, 2006, but Respondent failed to disclose any prescription medicine for controlled substances. She did report taking Celexa for stress and depression.
9. Dr. Lenard Glade submitted Medication Reports for Respondent with the following prescriptions:
 - 07/05/06 Hycodan 10 cc x 5 refills
 - 02/22/07 Hydrocodone 150 cc x 5 refills



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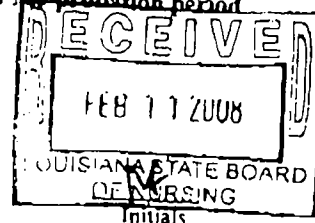
Respondent

CONSENT ORDER

TERMS AGREED TO BY LICENSEE (Cont'd)

- 04/10/07 Hydromorphone 10, no refills
 - 11/30/07 Hycodan 150 cc x 5 refills,
Ambien 5 mg, #5 with no refills,
Valium 5 mg, #5 with no refills
10. Nine (9) positive or abnormal urine drug screens were submitted:
- 07/07/06 Hydrocodone 1334 ng/mL
 - 11/27/06 Hydrocodone 729 ng/mL, Hydromorphone 235 ng/mL
 - 02/15/07 Hydrocodone 279 ng/mL
 - 04/27/07 Hydrocodone 219 ng/mL, Hydromorphone 147 ng/mL
 - 05/29/07 Hydrocodone 214 ng/mL
 - 06/07/07 Hydrocodone 545 ng/mL, Hydromorphone 210 ng/mL
 - 08/07/07 Hydrocodone 333 ng/mL
 - 12/20/07 Temazepam 329 ng/mL
 - 01/08/08 Creatinine 15.7 mg/dL
11. On January 23, 2008, in response to staff's request for information on the Jan 08 drug screen, Respondent admitted that she had attended the LSU national championship game on January 7, 2008, and had drank beer from 2:30 pm until 1:00 AM. On January 8, 2008, she did not feel well, felt dehydrated, and drank a lot of water before her urine drug screen.
12. On January 31, 2008, in telephone conference with Board staff, Respondent denied any other drinking incidents. She further stated that she had been on the Hydrocodone for about three (3) years and that she did not think she had to report this to the addictionist since the medicine was prescribed. Respondent agreed to be re-evaluated by a Board approved addictionist.

To facilitate submission of this Consent Order, I do not offer any defense to the **FINDINGS OF FACT**. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:911 et seq. I admit to the findings of fact and agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported to Healthcare Integrity and Protection Data Bank (HIPDB) as HIPDB Code #A5. Violation of or Failure to Comply with Licensing Board Order. HIPDB Narrative: On May 19, 2006, after arrest for drug related charges, Respondent's license was suspended with stay and probation with stipulations including no alcohol and drug screens. On January 8, 2008, she violated the agreement by drinking alcohol. By a new Consent Order, she agreed to extend her probation period and to return for a substance abuse evaluation.



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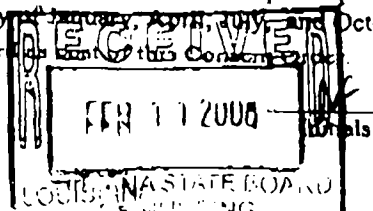
CONSENT ORDER

TERMS AGREED TO BY LICENSEE (Cont'd)

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board:

The license of this Registrant is suspended, with a stay of the said suspension, and that the license is probated for a minimum of 24 months with the following stipulations:

1. Immediately and within sixty (60) days, submit to a comprehensive psychiatric and substance abuse evaluation by a psychiatrist and addictionist, other than Ochsner evaluators, approved by the Board; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to Registrant's capability of practicing nursing with reasonable skill and safety to patients. Shall submit a copy of this entire Order to the physician before the evaluation.
2. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.
3. If found to be chemically dependent, immediately sign agreement with the Recovering Nurse Program and cause to have submitted evidence of compliance with all program requirements for minimum of three (3) years.
4. Shall remain free of alcohol and all un-prescribed mood altering substances. Any mood altering, addictive, or dependency-inducing substance must be currently prescribed for a bona fide medical condition by a physician knowledgeable about the individual's history and the information underlying the Board's concerns. All prescribed drugs must be verified in writing to the Board on a specified form by the prescribing physician(s) within five (5) days of this date, and within five (5) day of any new prescriptions. The Board reserves the right to have a LSBN recognized addictionist review and approve the prescriptions for continued nursing practice.
5. Shall submit to supervised/random drug screens a minimum of 24 times per year through an approved LSBN laboratory (bodily fluids {urine, blood, saliva} or hair may be tested). Additional screenings may be requested by Board staff. Written reports of same shall be submitted to the Board. After one (1) year, may request to decrease to monthly drug screens.
6. Prior to returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Shall submit a copy of this Order to the employer. Within two weeks, shall cause all employers to submit, in writing to the Board, that they have reviewed this Order.
7. Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Not be employed in agency/pool/staffing, home health services, or nursing homes. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site Registered Nurse.
8. During the period of probation, Respondent shall engage in practice of professional nursing in LA for a minimum of twenty four (24) hours per week for a minimum of 12 consecutive months.
9. Have all immediate nursing supervisors submit a performance evaluation report quarterly, commencing from the first date of employment, due on first day of January, April, July, and October.
10. Within four (4) months, submit payment of \$200.00 to the Board for cost of this Consent Order.



LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

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Respondent

CONSENT ORDER

TERMS AGREED TO BY LICENSEE (Cont'd)

11. By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board, starting on the 1st day of the month that follows the effective date of this Consent Order.
12. Immediately (within 72 hours) inform the Board in writing of any change in address.
13. If employed in nursing, immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
14. If unemployed or employed in a non-nursing position, inform Board in writing on a quarterly basis.
15. Within four (4) months, submit written evidence of completion of 30 hours of LSBN staff approved continuing education hours to include the areas of Legal Accountability and Chemical Dependency in Health Care Professionals.
16. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
17. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of reports on or before the date due shall result in the immediate suspension of this registrant's license for a minimum of 6 months. This suspension can be imposed by action of the staff subject to the discretionary review of the Board.

I understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Agreement not be accepted by the Board, I agree that presentation to and consideration of the Consent Agreement, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this registrant.

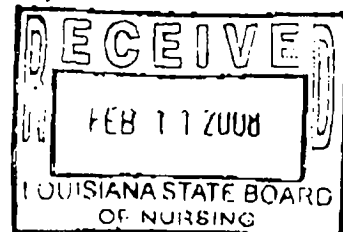
Dated this 7 day of Feb, 2000

Diane McNeill
Witness

Mary Grace Fauchaux
MARY GRACE FAUCHEAUX
[Signature]
Witness

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant 2/8/2000
Barbara L. Morvant, MN, RN Date
Executive Director



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Initials